

MELVIN DOSDOS DULCERO,
Petitioner,
vs.
D.W. NEVEN, *et al.*,
Respondents.

Order Denying Motion for Rehearing
[ECF 12]

So long as a district court has jurisdiction over a case, “it possesses the inherent procedural power to reconsider, rescind, or modify an interlocutory” (non-case-dispositive) order.⁴ “Motions

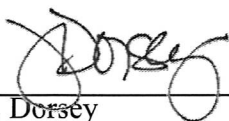
⁴ *Los Angeles v. Santa Monica Baykeeper*, 254 F.3d 882, 885 (9th Cir. 2001) (quoting *Melancon v. Texaco, Inc.*, 659 F.2d 551, 553 (5th Cir. 1981)).

1 for reconsideration are disfavored, however, and are not the place for parties to make new
 2 arguments not raised in their original briefs. Nor is reconsideration to be used to ask the court to
 3 rethink what it has already thought.”⁵ In short, “a motion for reconsideration should not be granted,
 4 absent highly unusual circumstances.”⁶ The precise standard for reconsidering orders like this one
 5 denying the appointment of counsel is not clear.⁷ Typically, courts in this district find
 6 reconsideration appropriately only if (1) the court is presented with newly discovered evidence, (2)
 7 the court committed clear error or the initial decision was manifestly unjust, or (3) there is an
 8 intervening change in controlling law.⁸

9 Petitioner has not demonstrated that reconsideration or rehearing is appropriate here. At
 10 best, he has merely pointed out some additional reasons why he believes that he will have difficulty
 11 presenting his arguments in this case. If anything, however, the filings that Dulcero has made in this
 12 case since I denied his request for appointed counsel only support my conclusion that this case does
 13 not present complex issues and that Dulcero is finding a way to clearly state his arguments.

14 Accordingly, IT IS HEREBY ORDERED that Dulcero’s Petition for Rehearing of his
 15 request for appointment of counsel [ECF 12] is **DENIED**.

16 Dated this 26th day of August, 2015.

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 19 Jennifer A. Dorsey
 20 United States District Judge

21 ⁵ *Motorola, Inc. v. J.B. Rodgers Mech. Contractors*, 215 F.R.D. 581, 582 (D. Ariz. 2003) (internal
 22 citations omitted).

23 ⁶ *Carroll v. Nakatani*, 342 F.3d 934, 945 (9th Cir. 2003).

24 ⁷ Because this order is not a judgment, FRCP 59(e) does not apply; because it is not a “final” one,
 25 FRCP 60(b) does not apply. *See Motorola*, 215 F.R.D. at 583–86 (thoughtfully considering the
 26 standard that should apply to requests to reconsider interlocutory orders). In the title to this motion,
 27 petitioner claims he is relying on Rule 40 of the Federal Rules of Appellate Procedure. Doc. 12 at 1.
 But the rules of appellate procedure govern proceedings in the United States Courts of Appeal—not
 cases like this one pending in district court. *See* F.R.A.P. 1(a).

28 ⁸ *See, e.g., King v. Calderwood*, 2015 WL 4937953, *1 (D. Nev. Aug. 19, 2015).